THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 13th day of November,2007

W.P.No.17510 of 2006

Between:-

P. Anandan … Petitioner

and

The State of A.P. rep. by its
Secretary, Revenue (Endts-III)
Department, Secretariat,
Hyderabad and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.17510 of 2006

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus directing the respondents to treat the petitioner as L.D.Typist/LDC on regular basis with effect from 19-4-1988 and confer all the consequential benefits attached to the said post including seniority, promotion etc.

It appears, during 1982-83 there was a ban on regular recruitment of posts in the respondent-Tirumala Tirupathi Devasthanams. Therefore, the Executive Officer of Tirumala Tirupathi Devasthanams issued instructions directing all the Departments to make appointments only on NMR/casual basis wherever necessary. In view of the ban, petitioner was appointed as NMR with effect from 2–3-1983 in S.V. Dairy Farm. However, his services were utilized as Typist since he was a Graduate in Commerce and was holding English Typewriting Higher Grade certificate etc. While so, in the year 1988, on the proposals sent by the Executive Officer-Tirumala Tirupathi Devasthanams, Government of Andhra Pradesh issued G.O.Ms.No.296, Revenue (Endts.III) Department, dated 19-4-1988 whereunder the persons recruited in different posts in various Departments in Tirumala Tirupathi Devasthanams on NMR basis/consolidated pay basis/casual labour basis etc., during the period from 1-1-1979 to 31-3-1984 were given relaxation of media of employment and rule of reservation in the analogy of the Orders issued during the year 1981 and Tirumala Tirupathi Devasthanams was

directed to regularize the services of the persons, who were recruited during the said period from 1-1-1979 to 31-3-1984. Though the services of the persons, who were appointed along with the petitioner as NMR/consolidated pay basis and working in various Departments were regularized from the date of issuance of the G.O. i.e. 19-4-1988, the services of the petitioner were not regularized from that date i.e. 19-4-1988 on par with others, in spite of there being a recommendation from the Departmental Head. However, at last, the services of the petitioner were regularized with effect from 10-4-1992 in the cadre of Typist-cum-LDC.

The main grievance of the petitioner is that he is entitled to be treated on par with others, who were appointed as NMRs during the said period and also entitled for regularization of his services from 19-4-1988 as Typist-cum-LDC.

In the counter filed by the respondents, it is not denied that the persons whose names were mentioned in the affidavit filed in support of the Writ Petition that their services were regularized with effect from 19-4-1988 in the respective posts in which they were working as NMRs. But, it is stated that those orders were passed in view of certain representations made by them and on the recommendations of the Government or on the Orders passed by this Court. Except this, there is no other argument advanced by the learned counsel appearing for the respondent-Tirumala Tirupathi Devasthanams. However, the learned counsel stated that the sanctioned post of Typist was not available as on the date of appointment of the petitioner as NMR.

It is not the case of the respondents that the posts in which the other persons, who were appointed on NMR basis, were all sanctioned posts. It appears, the only ground on which the services of

other persons were regularized was either in view of the Orders passed by the Government or of the Orders passed by this Court in various Writ Petitions. It is interesting to notice that in some cases, on mere representations filed by the persons concerned seeking regularization of their services as per G.O.Ms.No.296, dated 19-4-1988, their services were regularized in the cadre in which they were appointed on NMR basis.

In view of the above, I am of the opinion that denying regularization of services of the petitioner in the cadre of LDC/Typist as per G.O.Ms.No.296, dated 19-4-1988 is arbitrary and illegal. Petitioner is entitled to be treated on par with others, who were appointed as NMRs during the period from 1-1-1979 to 31-3-1984 for regularization of his services. Therefore, the respondents are directed to regularize the services of the petitioner in the cadre of Typist-cum-LDC with effect from 19-4-1988 and reckon his seniority in the said cadre from 19-4-1988 and extend all other benefits. However, it is made clear that the petitioner is not entitled for any monetary benefit from 19-4-1988 to 10-4-1992.

With the above directions, the Writ Petition is disposed of. No order as to costs.

13-11-2007

prk